

Message

From: Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]
Sent: 9/28/2017 4:21:22 PM
To: Kataoka, Mark [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1e29f87a97c343739016147a80f9c57d-MKATAOKA]
CC: Srinivasan, Gautam [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d69332838210416ba51779b19025f832-GSRINIVA]; Schmidt, Lorie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f471d4b316f74b0591322b5c63f1d01c-Schmidt, Lorie]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]
Subject: RE: DC Cir 16-1430 (Trailer petition) stay motion

Ex. 5

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

From: Kataoka, Mark [mailto:Kataoka.Mark@epa.gov]
Sent: Thursday, September 28, 2017 11:53 AM
To: Chen, Sue (ENRD) <SChen@ENRD.USDOJ.GOV>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: DC Cir 16-1430 (Trailer petition) stay motion

Ex. 5

Mark

Sent from my iPhone

On Sep 28, 2017, at 11:28 AM, Kataoka, Mark <Kataoka.Mark@epa.gov> wrote:

Ex. 5

Sent from my iPhone

On Sep 27, 2017, at 5:59 PM, Chen, Sue (ENRD) <Sue.Chen@usdoj.gov> wrote:

Ex. 5

Ex. 5

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

From: Melinda Pilling [<mailto:Melinda.Pilling@doj.ca.gov>]
Sent: Wednesday, September 27, 2017 5:48 PM
To: Theodore, Elisabeth <Elisabeth.Theodore@apks.com>; Susannah Weaver <susannah@donahuegoldberg.com>; Chen, Sue (ENRD) <SChen@ENRD.USDOJ.GOV>
Cc: Martel, Jonathan S. <Jonathan.Martel@apks.com>; Fayne, Zachary <Zachary.Fayne@apks.com>; Peter Zalzal <pzalzal@edf.org>; Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov>; blongstreth@nrdc.org; josh.stebbins@sierraclub.org; vpardee@biologicaldiversity.org; Scott.Koschwitz@ct.gov; Paul.Garrahan@doj.state.or.us; carol.iancu@state.ma.us; gSchultz@riag.ri.gov; Nick.Persampieri@vermont.gov; TomY@atg.wa.gov; Jacob.Larson@iowa.gov; Alice Henderson <ahenderson@edf.org>; Jonna Hamilton <JHamilton@ucsusa.org>; Byron, H. Thomas (CIV) <HByron@CIV.USDOJ.GOV>
Subject: RE: DC Cir 16-1430 (Trailer petition) stay motion

All:

State Intervenor also intend to seek a one-week extension of the deadline to respond. Kindly convey your clients' positions on this request to us by 12:00 PM Eastern tomorrow (Thursday).

We consent to the Health and Environmental Intervenor's request, and do not intend to oppose EPA's request, subject to review of that request when it is filed.

Thanks,

Melinda

Melinda Pilling
Deputy Attorney General
Department of Justice
Natural Resources Law Section

455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
Phone: (415) 703-5585

From: Theodore, Elisabeth [<mailto:Elisabeth.Theodore@apks.com>]
Sent: Wednesday, September 27, 2017 1:15 PM
To: Susannah Weaver <susannah@donahuegoldberg.com>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Cc: Martel, Jonathan S. <Jonathan.Martel@apks.com>; Fayne, Zachary <Zachary.Fayne@apks.com>; Peter Zalzal <pzalzal@edf.org>; Melinda Pilling <Melinda.Pilling@doj.ca.gov>; Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov>; blongstreth@nrdc.org; josh.stebbins@sierraclub.org; vpardee@biologicaldiversity.org; Scott.Koschwitz@ct.gov; Paul.Garrahan@doj.state.or.us; carol.iancu@state.ma.us; gSchultz@riag.ri.gov; Nick.Persampieri@vermont.gov; TomY@atg.wa.gov; Jacob.Larson@iowa.gov; Alice Henderson <ahenderson@edf.org>; Jonna Hamilton <JHamilton@ucsusa.org>; Byron, H. Thomas (CIV) <H.Thomas.Byron@usdoj.gov>
Subject: RE: DC Cir 16-1430 (Trailer petition) stay motion

Sue and Susannah:

We would like to be able to accommodate the requests, but as explained in our motion, the TTMA is concerned about any further delay in light of the imminent compliance obligations, and so the TTMA is compelled to oppose any extensions.

Thanks,
Elisabeth

From: Susannah Weaver [<mailto:susannah@donahuegoldberg.com>]
Sent: Wednesday, September 27, 2017 12:20 PM
To: Chen, Sue (ENRD)
Cc: Martel, Jonathan S.; Theodore, Elisabeth; Fayne, Zachary; Peter Zalzal; Melinda Pilling; Elaine Meckenstock; blongstreth@nrdc.org; josh.stebbins@sierraclub.org; vpardee@biologicaldiversity.org; Scott.Koschwitz@ct.gov; Paul.Garrahan@doj.state.or.us; carol.iancu@state.ma.us; gSchultz@riag.ri.gov; Nick.Persampieri@vermont.gov; TomY@atg.wa.gov; Jacob.Larson@Iowa.gov; Alice Henderson; Jonna Hamilton; Byron, H. Thomas (CIV)
Subject: Re: DC Cir 16-1430 (Trailer petition) stay motion

Sue,

The Public Health and Environmental Intervenors consent to your request.

We also intend to seek a one-week extension of the deadline to respond, so I would appreciate it if everyone could convey their clients' positions to me on that request by noon ET tomorrow (Thursday).

Thank you,

Susannah

Susannah Weaver
Donahue & Goldberg, LLP
1111 14th St. NW, Suite 510A

Washington, DC 20005
(202) 569-3818
susannah@donahuegoldberg.com

On Sep 27, 2017, at 5:59 AM, Chen, Sue (ENRD)
<Sue.Chen@usdoj.gov> wrote:

Counsel,

We may need a one-week extension on our deadline to respond to Trailer Petitioner's motion (currently October 5). Could you please let me know, by cob today, your clients' position on such a motion?

Thanks,

Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

For more information about Arnold & Porter Kaye Scholer LLP, click here:
<http://www.apks.com>

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.